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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

INDONESIA*

[25 January 1994]

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* The present document contains the additional information requested by the Committee on the Rights of the Child at its fourth session during the preliminary consideration of the initial report of Indonesia (CRC/C/3/Add.10) on 22 and 23 September 1993 (see CRC/C/SR.79-81); see also the report of the Committee on the Rights of the Child on its fourth session (CRC/C/20, paras. 36-54).

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I. GENERAL INFORMATION

1. The Government of the Republic of Indonesia through its Presidential Decree No. 36/1990 has ratified the Convention on the Rights of the Child and therefore agrees to follow all of the articles (54) of the Convention on the Rights of the Child (CRC). However, because of the cultural, religious and environmental backgrounds, the implementation will be in accordance with the national laws, both written and unwritten, and based on the community values and socio-psychological factors prevailing. For those reasons the Government of the Republic of Indonesia inform the international community with a declaration that the implementation of articles 1, 14, 16, 17, 21, 22 and 29 will be adapted in conformity with the national law and the existing conditions within the country.

2. Article 1. The Government of the Republic of Indonesia has similar opinions on the definition of child. However, for particular reasons the Child Welfare Law No. 4/1979 puts the definition of child as a person below 21 years. This is intended to provide better services and protection, specifically for the mentally retarded and disabled children, to the maximum.

3. Article 14. The Government of Indonesia basically has no different opinion about article 14 as a whole. The declaration indicates that the Government of Indonesia gave high assurance on freedom to manifest religion as prescribed by law, namely Muslim, Christian, Catholic, Buddhist and Hindu Bali.

4. Article 16. The new regulation on child welfare is in line with what is stated in article 16. Therefore, the national legislation will be able to support the implementation of article 16 of the CRC.

5. Article 17. Although basically there is no objection at all to the matter stipulated in article 17, however, with regard to paragraph (d) excessive information through the media which is not suitable according to Indonesian culture and outlook shall be avoided.

6. Article 21. Basically national legislation is in line with the stipulations in paragraphs (a), (b), (d) and (e) of article 21. However, because of religious considerations, the unwritten laws do not encourage a bilateral or a multilateral arrangement for intercountry adoption. According to the religious law, the adopted child still has relations with his or her original parents.

7. Article 22. Indonesia has not prepared an explicit law on refugees. In accordance with article 22, the implementation of paragraphs 1 and 2 will be adapted to the respective national laws, whereas the humanitarian aspect is always considered as a main factor in serving the boat people.

8. Article 29. According to the national law there is no distinction in the implementation of article 29, paragraph 1 (a), (c), (d) and (e) and paragraph 2. However, with regard to paragraph 1 (b), the human rights concept which Indonesia follows is the concept that takes into account the diversity of socio-economic, cultural and political realities prevailing in each country.

II. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

9. Measures have been taken and safeguards have been established for the implementation of articles 37, 39 and 40 of the Convention.

10. With regard to the incident at Dili on 12 November 1991, by Presidential Decree No. 53/1991, the Government of Indonesia has established the National Commission of Inquiry (NCI). The NCI has been assigned with the task of conducting the investigation in an independent, meticulous, just and comprehensive manner, with a view to obtaining objective information and facts regarding the incident. The report of the NCI has been distributed to the diplomatic missions, representatives of international organizations and other relevant international bodies.

11. On 28 December 1991, President Soeharto said, inter alia, that the incident should be taken as a lesson and as something on which to make correction and introspection, and he said that such an incident should never be repeated. And then he issued a series of instructions and directives. He replaced the responsible military officers of the region, starting from the commanding officer down to more junior officers, ordered the setting-up of a Military Council to look thoroughly into the policies and actions that were taken by the local security officials in handling the incident and to recommend the necessary steps to be taken. He gave a directive to the Attorney General to start legal proceedings against all those who had broken the law. He also ordered the commander-in-chief of the armed forces to search for those listed as missing by the Commission, and also to clarify the discrepancy in numbers in terms of casualties, and so on. He issued a number of other directives to various ministries and to various officials; to the Economics Minister to intensify the implementation of development policies; to the Minister of Home Affairs to improve the working condition of the civil authorities in East Timor, and so on.

12. The response of the Government, taken together with the report of the Commission and the response of the Government to it, shows the seriousness, the sincerity, and the firmness with which the Indonesian Government proceeded in addressing aspects of this most regrettable incident.

13. The Government of Indonesia (the National Law Development Agency of the Department of Justice) has accomplished the formulation of comprehensive legislation on juvenile justice. The bill (the projected law on the administration of juvenile justice) has been submitted for the approval of the House of Representatives.

B. Children in conflict with the law

1. Deprivation of the rights of the child

14. To avoid deprivation of the freedom of the child in Indonesia, regulations on children have been enacted. Unlike adults, children will be treated differently and in a special way when they are brought to trial.

15. The procedures of such trial are stipulated in the Circular Letter of the Supreme Court No. 6/1987, the Regulation No. 06.UM.01.06/1983 of the Minister of Justice and the regulation of the Minister of Justice No. M.03.UM.01.06/1991.

2. Special treatment for children brought to trial

16. In trying children in a court, the trial should be carried out in accordance with the following procedures:

(a) Closed, although the decision is read out to the public;

(b) Presided over by a single judge. On certain occasions, the chief of the court may arrange a trial by a team of judges;

(c) The child is tried in the presence of his/her parents/foster parents/guardian;

(d) The judge, the prosecutor and the lawyer do not wear their official robes.

17. In order that the decision of the judge assures justice for the child concerned, the judge must have at his disposal reports/description of the personal life of and social reports on the child. These include the following information:

(a) The physical, mental, social and economic conditions of the child;

(b) The situation of the household of the parents, guardian or foster parents of the child as well as the situation of other occupants, if any;

(c) Information on the behaviour of the child at school or in his/her family;

(d) The relations and association of the child in his surroundings, scout movements, etc.

18. Such reports can be obtained from Balai Bimbingan Pemasyarakatan dan Pengembangan Anak (BISPA - a body that provides guidance for children's development) found in the jurisdiction of the court concerned or, if there is no such body within its area, such reports can be obtained from the nearest BISPA or the nearest Child Correctional Institution or place of confinement.

19. Due to the possibility of unstable characteristics and personality of the child, and to his/her sensitivity and emotions, the judge concerned should be selected carefully. It is for this reason that the Chairman of the Supreme Court has issued Circular No. 6/1987 which provides that pending the issuance of the Law on Juvenile Justice, the chief of the court appoints two judges, be they male or female, who are considered suitable to try a child accused of committing a crime. They should be judges who have experience in the problems of children.

20. Special attention must be given to the children accused of violating the law as arranged for in article 45 of the Criminal Law (KUHP).

21. In trying a child under 16 years of age, the judge can:

(a) Return the child to his/her parents without any verdict imposed;

(b) Transfer/hand over the child to the Government's custody. In this case it is without verdict;

(c) Find the child guilty, with a deduction of one third of the sentence.

22. Indonesia applies strictly the principle of legality, to protect human rights, including the rights of the child, based on existing regulations. Article 1 of the Criminal Law stipulates that no one can be penalized for his crime except when it is based on the legislation that existed before the crime was committed.

23. The principle of the presumption of innocence is adhered to; no one can be found guilty, except as so decided by a court after due process of law.

24. Article 330, paragraph (1), of the Criminal Law stipulates that a person who intentionally deprives a child of his/her freedom is liable to imprisonment for a maximum of seven years. Paragraph (2) stipulates that if such deprivation is conducted through deceit or threats of violence against a child who is under 12 years, the punishment will be a maximum of nine years of imprisonment.

25. Article 331 of the Criminal Law stipulates that a person who intentionally hides a child by dragging him/her from the authorities concerned, or hides the child from the supervision of the authorized persons or intentionally drags the child from the investigation by the court/police, is threatened with a maximum imprisonment of four years. If the child is below 12 years, the maximum imprisonment is seven years.

3. Protection of a child from a functionary

26. Article 428 of the Criminal Law stipulates that a functionary (head of an institution which takes care of children) is subject to a punishment of a maximum of one year and four months if he refuses to comply with regulations and legislation that oblige him to show the one who is put in or registered with the institution, or to show all papers which, as a general rule, should be made available before the person concerned is sent to the institution. It should be noted that before a child enters a child correctional institution (Lembaga Pemasyarakatan Anak) the identities of the child concerned should be examined, for example, the name, age, names of parents/guardian, address, photograph, fingerprints, etc. The child's data will be recorded in a register.

4. Conclusion

27. Basically, Indonesia has regulations to prevent deprivation of a child's freedom although there is no special child court available. Regulations that protect children are abundantly found in the civil law, the criminal law, the law of criminal procedure, government regulations, Circular Letters of the Supreme Court, Regulations of the Minister of Justice and decisions of other Departments related to protect the interest of children.

28. Arrest or detention or punishment is the last resort. In principle, children may not be detained, let alone punished, for a crime, considering that children are still unstable and they still need guidance. However, if no other way is found to improve the behaviour of a child the court may arrest, detain or punish him/her. In such case the duration of such detention or imprisonment is always shorter than for adults. There is no life imprisonment or death penalty for children.

29. With regard to the question of the number of children who have been deprived of their freedom, it is difficulty to clarify. As an illustration, here is a list of child-criminals and "State children" (not including civil children):

1989-1990: 3,047 boys and 34 girls.
1990-1991: 2,821 boys and 28 girls.
1991-1992: 2,666 boys and 19 girls.
1992-1993: 2,233 boys and 12 girls.

Their cases include the following:

(a) Civil children are those who, at the request of their parents, are taken into custody until they are 18 years old since their parents/guardians have difficulties in taking care of them. Costs should be borne by their parents;

(b) State children are those having committed crimes. By the decision of the Court of Justice they are placed in a child correctional institution. They remain there until they reach 18 years of age. Costs are borne by the State;

(c) Convicted criminals are children having committed a crime and found guilty by a court of justice. The child is then put into a correctional institution until he is 18 years old. If the child is already 18 years old and his punishment has not been concluded, the child is moved to a correctional institution for adolescents and will remain there until he/she is 21 years old. If he is over 21 years and his term has to be continued, he is then moved to an adult correctional institution and will remain there until his/her sentences are concluded. The procedure of moving is handled by the decisions of the Minister of Justice No. 01.PK.02.01, 1991 of 12 June 1991.

30. The child suspected of having committed a crime is entitled to legal aid starting from his/her arrest (art. 69-70, Law No. 8/1981 concerning the Law of Criminal Procedure). In Indonesia there is no special institution that

provides legal assistance to a child accused of having violated the law. The existing legal aid is an institution that gives legal assistance during the arrest, detention and trial to all people, including children.

Actions taken to implement article 40 of the Convention

31. A child who is deprived of his/her freedom is guided to lead a better life in the community. He/she is given education and working skills, sports, family welfare, scout movements, education in the religion he/she observes and other education which will be his/her assets after leaving the institutions.

32. Education facilities. Formal education (senior high school level - SLTA) is provided both in the rehabilitation centre and the child correctional institution. Such children are educated like those who are outside a correctional institution (Lembaga Pemasyarakatan/LP). After finishing their study in the LP they will get SLTA certificates. There are also LP children who join schools outside the Lembaga. Some of them even prestigious children having prestigious school records.

33. Health facilities. There is a clinic in the LP, with part-time and full-time doctors. If the existing medical facilities are not sufficient and the sick child needs more intensive treatment, he/she will be transferred to the General Hospital and will be taken back to the LP after his/her recovery until his/her term is concluded.

34. Other facilities. Physical and mental actions are taken to cure the child. The institutions provide physical training, scout movement, working skills and other actions leading to physical exercise. They also provide religious education in line with their respective beliefs.

35. There are various institutions available for children who violate the law:

(a) Correctional institutions (LP) under the Department of Justice;

(b) Rehabilitation centres under the supervision of the Department of Social Affairs and other related Departments;

(c) Other NGO/social institutions in the community (community-based institutions).

Special regulations for treatment of children are: the Decision of the Minister of Justice and the Joint Decision of Relevant Minister and other Ministers.

36. Opportunities are provided to enable them to contact their families. The procedure to enable the child to get in touch with relatives/families is arranged in such a way so that they can meet more frequently. A civil child and a State child are given holidays to go home to see their parents. For this there must be an earlier arrangement between the institution and the parents. Basically, civil children, State children and convicted criminals are able to meet as often as possible in order not to break the relations

between parents and children. For the children themselves this would make them feel being taken care of, loved and assisted rather than being isolated and thus to avoid an inferiority complex.

37. Since the child correctional institutions are placed under the Department of Justice, those supervising the institution are:

(a) The Inspectorate General as the internal supervisor of the Department;

(b) BPK (Financial Supervisory Board) dealing with financial matters;

(c) DPR (the House of Representatives). According to the 1945 Constitution, DPR has the right to supervise government activities.

38. Protests related to child abuse and poor treatment in institutions can be made by writing to the leaders of the institutions.

39. Staff taking care of the Lembaga (institution) have never been trained in regulations of the Convention and other international standards related to treatment of children violating the law.

C. Children in situations of exploitation

1. Regulations on the protection of children against economic exploitation

40. These regulations are the following:

(a) Law No. 1/1951 Declaring Labour Law No. 12/1948, articles 1, a and 3 to be in force for the whole of Indonesia;

(b) Staatsblad (Official Gazette) 1925 no. 647: Regulation to limit child labour and nights labour for women; articles 1 and 2;

(c) Staatsblad 1926 no. 87: Regulation on child and adolescent labour aboard the ship; article 2;

(d) Staatsblad 1930 no. 341: Regulation on supervision in mines; article 170 (para. 5), article 171;

(e) Regulation of the Minister of Manpower No. Per 01/MEN/1987 on protection of children who have to work;

(f) Regulation of the Minister of Manpower No. Ke-p748/MEN/1987 on the procedures and reports applicable for companies employing children who have to work.

2. Penalties or other sanctions against employers who exploit minors

41. Ministerial Decree no. 1 of 1987 provides penalty for violations (but the penalty imposed by this regulation is too lenient, that is three months in jail or Rp. 100,000 in fines as the maximum). The leniency of the penalty is

coupled with the lack of supervision by the inspectors of the Ministry of Manpower. There are reportedly 1,200 inspectors nationwide but only 750 of them are said to be active. It is estimated that the ratio of the active inspectors to the number of companies is 1 to 4,000. And the efforts of the active inspectors to charge industrialists with offences are hampered by the existence of the so-called surat lurah - the papers issued by subdistrict chiefs which falsify the ages of the child workers. No one and not a single company has been charged with violation of the law on child labour from the first day of the regulation.

42. The Indonesian Government realizes that the current child labour legislation does not provide the necessary protection for working children and plans to revoke the 1987 ministerial regulation. The Indonesian Government has taken an initiative to hold a tripartite national conference on working children which focuses on action against child labour and protection of working children. The national conference aims to find ways for the Government to handle the problem of working children. In June 1993, a three-day conference was organized by the Yayasan Kesejahteraan Anak Indonesia/the Indonesian Children's Welfare Foundation in cooperation with the International Labour Organisation and the Ministry of Manpower. Around 100 NGO activists and government officials from across the country took part in the conference. As a result, the conference unanimously declared the need to revoke the 1987 regulation.

3. Data on working children

43. Data on children who are working in the labour force, especially in the formal sector, are limited and incomplete because it is considered controversial and there is a tendency to conceal its existence. The most comprehensive source of data on child labour is the household labour force survey carried out by the National Central Bureau of Statistics (CBS). According to the 1990 labour force survey the total number of economically active children aged 10-14 was estimated at 2.4 million or 11 per cent of the population of this age group. This figure represents approximately 3.3 per cent of the total labour force (see annex, table 1).

44. Regarding systems of reporting, article 3 of Minister of Manpower Decree no. 1 of 1987 stipulates that employers who employ children must report to the Department of Manpower. In conformity with this regulation, the Minister of Manpower has passed a ministerial instruction to all heads of regional labour offices to make a report on the status of working children.

4. Difficulties faced by the Government in participating in ILO Conventions relating to the minimum age for child labour

45. Involuntary child labour in Indonesia reaches 2.4 million. Most of them have to work to earn a living so that the Government must issue regulations to protect them in accordance with the ILO Convention. The efforts exerted by the Government at present strive to minimize the number of working children and to protect their rights. It is for this reason that the Government is in the process of drafting a new regulation which would stipulate the rights of the child who is working as well as the sanctions for employers who violate the regulation.

46. It is important to note that although the Indonesian Government has not ratified the ILO Conventions relating to the minimum age of child labour, in drafting its new national labour standard it does refer to those Conventions.

5. Medical evidence of child workers suffering physically or mentally as a consequence of the use of their labour

47. There is no specific labour regulation stipulating the obligation to collect medical evidence about child workers suffering physically or mentally as a consequence of the use of their labour. For this reason in 1985 a study was carried out of the impact of the use of child labour on children's health. It is planned that the Government will make use of the results of the study in drafting a new regulation on child labour.

6. Difficulties encountered and progress achieved in implementing article 32 of the Convention especially with regard to the priorities and specific goals established for its implementation

48. As mentioned above, the Ministry of Manpower is in the process of passing a new regulation on child labour to protect under-age children who, for economic reasons, are compelled to work to support their family. No parent or Government in the world would want to see their children working when they really should be going to school, and children themselves surely would refuse to work if their economic conditions were better. The proposed regulation would stipulate that involuntary child workers are entitled to care and protection and that they should not be employed at work that could hamper the normal course of their growth.

49. The Government has invited NGOs dealing with child labour to participate in the drafting of the new regulation.

50. In 1992 the Indonesian Government and the Director-General of ILO signed a Memorandum of Understanding on the IPEC programme (International Programme on the Elimination of Child Labour). This programme so far has involved the participation of 17 national NGOs in 5 provinces of Indonesia, and another 6 NGOs as well as another province of Indonesia will join the programme shortly. In a carrying out the IPEC programme, a national committee chaired by the Department of Manpower promotes coordination with other relevant government institutions such as the Centralized Bureau of Statistics and the Ministries of Education, Health, Home Affairs, Social Affairs, the Coordinating Ministry of Social Welfare, the National Development Planning Agency as well as UNICEF.

7. Information on the existence of and concrete measures to combat the exploitation of children including the sale and use of drugs, sexual exploitation and sexual abuse, including prostitution

51. Regarding the sale and use of drugs among children, the Indonesian Government has passed Law no. 9 of 1976 on Narcotics. No specific law has been passed to cover sexual exploitation and sexual abuse, including prostitution, among children but the Government has passed several ministerial decrees providing for the handling of those issues.

8. Implementation of the general principles of the Convention, particularly its articles 2, 3 and 12

52. The Government of Indonesia has passed legislation and implemented a number of programmes aimed at promoting the survival, protection and development of children, as well as the welfare of children in general, years before the Convention was adopted. Multisectoral programmes on the promotion and protection of child's rights are as follows:

(a) Health sector

53. Improving the quality and availability of health services has been a high priority in the Government's effort for 25 years (commencing 1 April 1969). In line with this priority, a number of programmes on health development in relation to infants and children are directed towards:

(a) Lowering the death rate of infants and children under five. The results to date have been significant: between 1972 and 1990, infant mortality fell from 134 to 55 per thousand;

(b) Enhancing the standard of students' health through the School Health Programme (SHP). In increasing the effectiveness of the SHP in 1991/92, the number of schools managed by SHP which was receiving training was 42,678 units, or an increase of 15,358 units over that of 1990/91;

(c) Accelerating the achievement of national immunization for infants and children under five years. In 1991/92, the infants who got complete immunization reached 88 per cent. It surpassed the target of Universal Child Immunization (UCI) of 80 per cent projected by the World Summit for Children;

(d) Enhancing the nutritional improvement programme which is covering four main activities as follows:

(i) Prevention of vitamin A deficiency;

(ii) Prevention of iodine deficiency;

(iii) Anaemia prevention;

(iv) Development of food and nutrition awareness;

(e) Enhancing the clean water supply programme to meet the need for clean water, especially for the poor rural and urban people (including children). In 1991/92 various kinds of clean water facilities were constructed, such as 417 reservoirs to collect rainwater, 3,592 public pump wells and 5,101 hydrants.

(b) Education sector

54. Article 31 of the 1945 Constitution stipulates that "every citizen shall have the right to obtain education, and the Government shall establish and implement one national system of education to be regulated by law". The implementation of this provision has been carried out through various efforts as follows:

(i) The six years' compulsory education policy

55. In 1984, the Government declared compulsory (obligatory) education for the six-year primary school level. Primary education is provided in the sekolah dasar (SD), which is supervised technically (curriculum and teachers' qualification) by the Ministry of Education and Culture and administratively under the authority of regional/local government, and Madrasah Ibtidaiyah (MI), supervised by the Ministry of Religious Affairs and adopting the SD curriculum while retaining an additional load of religious subjects.

56. The formal declaration of compulsory primary education in 1984 was preceded by a period of massive investment in primary school expansion from 1973 onwards. Through a Special Presidential Instruction for the development of primary school (INPRES SD), the central Government had provided direct assistance to local government for the construction of school buildings and additional classrooms as well as the physical upgrading (rehabilitation) of existing primary school buildings. The INPRES programme also provided for the recruitment of new teachers and the construction of housing to accommodate teachers deployed in remote areas. (Table 2 in the annex shows the magnitude of physical construction to expand primary education.)

(ii) The nine years' compulsory education policy

57. As Indonesia enters its second 25-year development plan, the 1989 Education Law and the 1993 Basic Guidelines on State Policy stipulate that by 1994, basic education will be extended to include six years of primary education and three years of junior secondary education, i.e. nine years in total.

58. The transition from elementary school to junior high school was estimated at some 65 per cent in 1991. The obvious conclusion is that without special interventions to motivate parents, especially the poor, to send their elementary school graduate children to junior high school, 35 per cent of elementary school graduates will not participate in the national effort to achieve universal nine years' basic education. Therefore Indonesia has designed a strategy aimed at:

(a) Increasing the transition rate from elementary school to junior high school;

(b) Providing distance and out-of-school equivalency programmes for children who cannot attend regular primary and/or junior secondary school for economic, geographical or other reasons;

(c) Eradicating illiteracy completely among people aged 10-44 years;

(d) Providing flexible and relevant continuing education opportunities for drop-out, graduates and newly literates.

(iii) Early Child Development Policy

59. Another major Education For All effort is the Early Child Development Policy. The Government realized early on that the universal provision of pre-school facilities in the form of institutions such as kindergartens simply was not feasible in a country the size of Indonesia. While the Ministry of Education and Culture is planning a dramatic increase in pre-school facilities, full access for all remains a goal beyond this decade. A different and innovative strategy was therefore designated, one that would empower poor mothers and communities with knowledge and skills allowing them to interact with and provide mental stimulation for the very young child, i.e. the 0-3-year-old child. Coordinated by the office of the State Minister for the Role of Women with the National Family Planning Coordination board (BKKBN) as operational agency and implemented by NGOs and women's organizations, the programme became known as Bina Keluarga Balita (BKB), enhancing the role of women in comprehensive child development. Close to 1.3 million mothers in some 18,500 villages have been trained in the programme.

60. In summary, the Indonesian approach to early child development is unique in a number of ways. Firstly, it focuses on the 0-3-year-old children rather than the 3-6-year-old children. Secondly, it aims at educating mothers and communities in early child stimulation thus avoiding expensive solutions such as institutions. Thirdly, it is implemented entirely through NGOs and women's group and thus is very much seen as "belonging" to the community. Fourthly, it has successfully combined parental monitoring of physical and mental growth via the introduction of a unique child growth and development chart based on milestones in Indonesian child development. And fifthly, in 1991, President Soeharto elevated the BKB programme to a "National Movement" thus giving it the highest status and importance possible in Indonesia.

(iv) Budget to finance the Education For All Policy

61. Education in Indonesia is the responsibility of the family, the community and the Government (with the largest contribution).

62. Total public expenditures on education must be added together from the budgets of local, regional and central governments. Although regional government expenditure is financed mainly by central Government transfers, the sectoral allocation of these grants can only be identified from the regional budgets. In addition to the Ministry of Education and Culture, the Ministries of Home Affairs and Religious Affairs are also important in funding and administration.

63. With US$ 1,494,000 allocated for the education sector in 1992/93, education accounted for 13.1 per cent of the total government development budget. Only the transportation, and mining and power sectors rank higher at 19.1 per cent and 13.2 per cent respectively.

64. Primary education receives roughly 25 per cent of the education budget with an allocation of US$ 372 million. Almost 90 per cent of this allocation (US$ 333 million) is channelled into INPRES SD (the Presidential Instruction for Primary School), most of it as direct assistance to local governments for construction of primary school buildings, new classrooms, housing for principals and teachers, rehabilitation of school buildings and operational and maintenance support to all primary schools. INPRES SD also covers the provision of primary school textbooks and library books. The remaining US$ 39 million is managed by the Ministry of Education and Culture and is spent mainly on retraining primary school teachers.

65. Elementary school teacher salaries are managed by the Ministry of Home Affairs and figure in the recurrent budget rather than the development budget.

66. Family contributions are channelled through two funds, namely "contribution to educational development" and "contribution aimed at the strengthening of education". Considering the socio-economic condition of the poor rural and urban people, the implementation of "family contribution" has always been adjusted to their economic capability. Community contributions are mainly provided by non-governmental organizations, religious institutions and private enterprises.

(c) Legal sector

67. The act of ratifying the Convention on the Rights of the Child by the Government of Indonesia commits Indonesia to proceed to the next step of reviewing its national legislation on the rights of the child to bring it in line with the provisions of the Convention. In the context of reviewing and harmonizing the national legislation on children, a number of programmes have been set up and implemented within the authority of the National Law Development Agency of the Department of Justice to support the effort. The Agency has:

(a) Analysed and evaluated the existing national legislation on children;

(b) Undertaken a study and formulated a draft of the proposed Law on the Protection of Girl-child Labour;

(c) Undertaken a study and formulated a draft of the proposed Comprehensive Legislation on the Protection of the Rights of the Child;

(d) Undertaken a study and formulated a draft of the proposed Law on the Status of Children of Non-married Parents;

(e) Submitted the projected Law on the Administration of Juvenile Justice for the approval of the House of Representatives through the State Minister/Secretary of the Cabinet;

(f) Formulated a draft of the proposed Law on the Protection of Child Labour in the Formal and Informal Sectors.

III. IMPLEMENTATION OF THE RIGHT OF FREEDOM OF RELIGION

68. Religious freedom and religious tolerance in Indonesia are guaranteed by the State philosophy Pancasila which has theism as its primary tenet. Article 29 of the Constitution provides that "the State shall be based on the belief in God Almighty" and that "the State shall guarantee freedom to every resident to adhere to his respective religion and to perform his religious duties in conformity with that religion and that faith".

69. In this regard, it is relevant to mention that Pope John Paul II, in October 1989, visited various parts of Indonesia and witnessed religious freedom and religious tolerance being practised. In his speech in January 1990 to the Diplomatic Corps accredited to the Holy See at the Vatican, he stated, inter alia, "I could personally verify the beneficial effects of the inter-confessional understanding in Indonesia where the principle of PANCASILA allows Islam and the other religions practised by the inhabitants of this country to encounter themselves in an harmonious dialogue which is of benefit to the whole society".

70. Furthermore, in 1994, based on the request of Pope John Paul II, the Government of Indonesia will host the World Conference of the Religious Parliaments in commemoration of the centennial anniversary of the Religious Parliaments.

ANNEXES

Table 1

Children (10-14) worked during the previous week, by status

				Status			
Area	Sex	Self-employed	Self-employed assisted by family worker	employer	employee	family worker	total
Urban + rural	Both	120 117	53 269	7 675	243 698	1 988 857	2 413 616
	Male	80 488	37 960	3 798	110 827	1 210 532	1 443 605
	Female	39 629	15 309	3 877	132 871	778 325	970 011
Urban	Both	11 144	2 975	710	73 569	113 640	202 038
	Male	8 234	1 961	202	28 128		97 168
	Female	2 910	1 014	508	45 441	58 643	104 870
						54 997	
Rural	Both	108 973	50 294	6 965	170 129	1 875 217	2 211 578
	Male	72 254	35 999	3 596	82 699	1 151 889	1 346 437
	Female	36 719	14 295	3 369	87 430	723 328	865 141

Source: National Central Bureau of Statistic 1990.

Table 2

Major investments in primary school development, 1973-1992

Major activities		1973-1992	Of which in 1973-1988
1.	School buildings (phased units of 3 classrooms) constructed	148 671	98%
2.	New additional classrooms constructed	164 598	98%
3.	School buildings (public and private SD a/ and MI b/) upgraded/rehabilitated	353 508	73%
4.	Housing for headmasters and teachers constructed	264 745	97%
5.	Housing for school guards constructed	61 846	98%
6.	Number of teachers (classroom teachers and teachers in the subject of religion) recruited	865 824	86%
7.	Number of school guards recruited	157 064	99%
8.	Number of teachers upgraded (several times)	4 244 235	93%
9.	Textbooks provided	655 399 594	97%
10.	Library books provided	289 128 135	84%
11.	Science, mathematics, educational equipment sets provided	1 782 901	52%
12.	Pre-vocational, arts and sports equipment sets provided	631 391	98%
13.	Number of schools (public and private SD and private MI) provided with funds for operation and maintenance	168 487	Since 1988

Source: Appendix to Presidential address of accountability at the session of the People's Consultative Assembly (MPR), 1 March 1993, Table XVI-2.

a/ Elementary school.

b/ Islamic elementary school.

Table 3

Primary-level education: intakes, enrolments, drop-outs and graduates, 1973-1988

Description	1973	1980	1985	1988
1. Annual intake (new entrants to grade 1) (in millions)				
(a) SD a/	2.5	4.4	4.2	4.5
(b) MI b/	0.7	0.6	0.5	0.6
(c) SD + MI	3.2	5.0	4.7	5.1
2. Total enrolments (grade 1-6) (in millions)				
(a) SD	13.1	22.5	26.5	26.7
(b) MI	2.7	3.2	3.4	3.4
(c) SD + MI	15.8	25.7	29.9	30.1
3. Annual graduates (in millions)				
(a) SD	1.1	2.0	3.4	3.6
(b) MI	0.2	0.3	0.2	0.2
(c) SD + MI	1.3	2.3	3.6	3.8
4. Annual drop-outs (SD pupils only) (in millions)	...	1.1	1.1	1.2
5. Graduates continuing to junior secondary level (SD graduates only) (in millions)	0.7	1.3	2.1	2.2
6. Net enrolment rate (SD and MI)	67.0%	88.0%	99.0%	99.0%
7. Gross enrolment rate (SD and MI)	105.0%	115.0%	121.0%	116.0%
8. Drop-out rate (SD only)	...	4.9%	4.1%	4.5%
9. Completion rate (critical survival rate) (SD only)	...	...	78.0%	75.0%
10. Continuation rate (SD only)	59.0%	74.0%	65.0%	68.0%

a/ Elementary school.
b/ Islamic elementary school.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

HOLY SEE

[2 March 1994]

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INTRODUCTION

1. The Holy See wishes to draw the attention of the Committee on the Rights of the Child to its singular nature within the international community. As the highest organ of government of the Catholic Church, the Holy See is recognized as a sovereign subject of international law. It is nevertheless distinguished by its particular nature, which is essentially of a universal religious and moral character. Similarly, its jurisdiction over a territory, known as the Vatican City State, serves solely to provide a basis for its autonomy and to guarantee the free exercise of its spiritual mission. The presence of the Holy See in the international organizations, beginning with the United Nations, and its accession to international conventions such as the Convention on the Rights of the Child, which it was among the first to ratify, are prompted by the same reasons.

2. In this connection, we would like to refer to the words of Pope John Paul II before the United Nations General Assembly on 2 October 1979, concerning the bond that exists between the Holy See and the United Nations: "The existence of this bond, which is held in high esteem by the Holy See, rests on the sovereignty with which the Apostolic See has been endowed for many centuries. The territorial extent of that sovereignty is limited to the small State of Vatican City, but the sovereignty itself is warranted by the need of the papacy to exercise its mission in full freedom, and to be able to deal with any interlocutor, whether a government or an international organization, without dependence on other sovereignties. Of course the nature and aims of the spiritual mission of the Apostolic See and the Church make their participation in the tasks and activities of the United Nations Organization very different from that of the States, which are communities in the political and temporal sense."

3. For this reason, the report submitted by the Holy See cannot be structured in the way established by the Committee on the Rights of the Child in document CRC/C/5 of 30 October 1991. We shall, however, attempt to follow its general lines, in particular in part III of this report.

I. AFFIRMATION OF THE RIGHTS OF THE CHILD IN THE TEACHINGS OF THE HOLY SEE

A. Dignity of the child (art. 3 of the Convention)

4. The Holy See and the Catholic Church have never ceased to affirm the importance they attach to recognizing the inherent dignity of the child, in his or her capacity as a human being, which is the source of children's rights and society's duties towards children. The following two texts illustrate this:

> "In the family, which is a community of persons, special attention must be devoted to the children, by developing a profound esteem for their personal dignity, and a great respect and generous concern for their rights. This is true for every child, but it becomes all the more urgent the smaller the child is and the more it is in need of everything, when it is sick, suffering or handicapped.

> By fostering and exercising a tender and strong concern for every child that comes into this world, the Church fulfils a fundamental mission: for she is called upon to reveal and put forward anew in history the example and the commandment of Christ the Lord, who placed the child at the heart of the Kingdom of God: 'Let the children come to me, and do not hinder them; for to such belongs the kingdom of heaven'. (Pope John Paul II, Apostolic Exhortation Familiaris Consortio, 22 November 1981, N.26, in annex 1).
>
> "... I wish to express the joy that we all find in children, the springtime of life, the anticipation of the future history of each of our present earthly homelands. No country on earth, no political system can think of its own future otherwise than through the image of these new generations that will receive from their parents the manifold heritage of values, duties and aspirations of the nation to which they belong and of the whole human family. Concern for the child, even before birth, from the first moment of conception and then throughout the years of infancy and youth, is the primary and fundamental test of the relationship of one human being to another.
>
> And so, what better wish can I express for every nation and the whole of mankind, and for all the children of the world than a better future in which respect for human rights will become a complete reality throughout the third millennium, which is drawing near" (Pope John Paul II, address to the General Assembly of the United Nations, 2 October 1979).

B. The Church places the rights and well-being of the child in the context of the family (Preambular paras. 5 and 6; arts. 5, 9, 10, 11, 16, 18 (1-2), 19, 20, 21, 25, 27 (4), 39)

5. As the Apostolic Exhortation "Familiaris Consortio" explains, the Church believes that children's rights cannot be seen outside of the context of the family, the first and most vital unit of society. For that reason, protection of children's rights cannot become fully effective unless the family and its rights are fully respected by the legal systems of States and the international community.

6. In order to enable the family fully to play its role in society, particularly with regard to children, the Bishop's Synod, meeting in Rome in 1980 to discuss the topic, "The role of the Christian family in the modern world", asked the Pope to promulgate a "Charter of the Rights of the Family". The Charter, dated 22 October 1983 (annex 2), states in preambular paragraph A: "The rights of the person, even though they are expressed as rights of the individual, have a fundamental social dimension which finds an innate and vital expression in the family"; and in preambular paragraph D: "The family, a natural society, exists prior to the State or any other community, and possesses inherent rights which are inalienable". Preambular paragraph F adds that "The family is the place where different generations come together and help one another to grow in human wisdom and to harmonize the rights of individuals with other demands of social life".

C. Right to life (preambular para. 7; arts. 6, 23, 24, 26, 27 (1-3))

7. The Church's teaching on the right to life is widely known and has remained unchanged throughout history: "human life is sacred, since from its very inception it reveals the creating hand of God" (Pope John XXIII, Encyclical Mater et Magistra, 15 May 1961, part III). "The human being is entitled to such rights in every phase of development, from conception until natural death; and in every condition, whether healthy or sick, whole or disabled, rich or poor" (Apolostic Exhortation Christifideles Laici, 30 December 1988, N.38).

8. Article 4 of "Charter of the Rights of the Family" spells out the different dimensions of the right to life, as it relates to children.

"Human life must be respected and protected absolutely from the moment of conception.

(a) Abortion is a direct violation of the fundamental right to life of the human being.

(b) Respect of the dignity of the human being excludes all experimental manipulation or exploitation of the human embryo.

(c) All interventions on the genetic heritage of the human person that are not aimed at correcting anomalies constitute a violation of the right to bodily integrity and contradict the good of the family.

(d) Children, both before and after birth, have the right to special protection and assistance, as do their mothers during pregnancy and for a reasonable period of time after childbirth.

(e) All children, whether born in or out of wedlock, enjoy the same right to social protection, with a view to their integral personal development.

(f) Orphans or children who are deprived of the assistance of their parents or guardians must receive particular protection on the part of society. The State, with regard to foster-care or adoption, must provide legislation which assists suitable families to welcome into their home children who are in need of permanent or temporary care. This legislation must, at the same time, respect the natural rights of the parents.

(g) Children who are handicapped have the right to find in the home and the school an environment suitable to their human development."

D. Right to education (arts. 28, 29 and 31 of the Convention)

9. The Catholic Church's conception of education has been set forth in numerous Holy See documents, which state that education cannot be decided a priori and imposed on children, but must be based on the child's own situation, the result of his specific personal characteristics, inclinations and potentialities. In this connection, the Vatican II Declaration on Christian Education, of 28 October 1965 states:

"All men of whatever race, condition or age, in virtue of their dignity as human persons, have an inalienable right to education. This education should be suitable to the particular destiny of the individuals, adapted to their ability, sex and national cultural traditions, and should be conducive to fraternal relations with other nations in order to promote true unity and peace in the world. True education is directed towards the formation of the human person in view of his final end and the good of that society to which he belongs and in the duties of which he will, as an adult, have a share. (N.1)"

10. Article 5 of the "Charter on the Rights of the Family" states that parents have the original, primary and inalienable right to educate their children. This article develops the different dimensions of this right/duty of parents:

"(a) Parents have the right to educate their children in conformity with their moral and religious convictions, taking into account the cultural traditions of the family which favour the good and the dignity of the child; they should also receive from society the necessary aid and assistance to perform their education role properly.

(b) Parents have the right to choose freely schools or other means necessary to educate their children in keeping with their convictions. Public authorities must ensure that public subsidies are so allocated that parents are truly free to exercise this right without incurring unjust burdens. Parents should not have to sustain, directly or indirectly, extra charges which would deny or unjustly limit the exercise of this freedom.

(c) Parents have the right to ensure that their children are not compelled to attend classes which are not in agreement with their own moral and religious convictions. In particular, sex education is a basic right of the parents and must always be carried out under their close supervision, whether at home or in educational centres chosen and controlled by them.

(d) The rights of parents are violated when a compulsory system of education is imposed by the State from which all religious formation is excluded.

(e) The primary right of parents to educate their children must be upheld in all forms of collaboration between parents, teachers and school authorities, and particularly in forms of participation designed to give citizens a voice in the functioning of schools and in the formulation and implementation of educational policies.

(f) The family has the right to expect that the means of social communication will be positive instruments for the building up of society, and will reinforce the fundamental values of the family. At the same time the family has the right to be adequately protected, especially with regard to its youngest members, from the negative effects and misuse of the mass media."

E. Right to freedom of religion (arts. 14 and 15 of the Convention)

11. Church doctrine on freedom of religion was proclaimed in the "Declaration on Religious Liberty" adopted by Vatican II on 7 December 1965. It states

that "religious freedom is based on the very dignity of the human person as known through the revealed word of God and by reason itself. This right of the human person to religious freedom must be given such recognition in the constitutional order of society as will make it a civil right" (N.2). "This freedom is the foundation for all other freedoms" and "is the condition and basis for the genuine dignity of the human being" (N.13). "Violation of this freedom is a blatant injustice that undermines what is authentically human" (N.14).

Naturally, this freedom concerns children as well as adults, but for children the role of the parents becomes crucial, for they "have the right to decide in accordance with their own religious beliefs the form of religious upbringing which is to be given to their children" (N. 5). Therefore, "The civil authority must ... recognize the right of parents to choose with genuine freedom schools or other means of education. Parents should not be subjected directly or indirectly to unjust burdens because of this freedom of choice. Furthermore, the rights of parents are violated if their children are compelled to attend classes which are not in agreement with the religious beliefs of the parents or if there is but a single compulsory system of education from which all religious instruction is excluded" (N.5).

F. The Holy See and the Convention

12. The Holy See has supported the international community's efforts better to define the rights of the child, and before acceding to the Convention on the Rights of the Child on 20 April 1990, it participated actively in the travaux preparatoires for that instrument.

13. In the words of H.E. Mgr. Renato Martino, Permanent Observer for the Holy See to the United Nations, spoken at a press conference given on the occasion of the Holy See's deposit of its instrument of accession, in New York,

> "The Holy See appreciates the long and arduous efforts that led to the Convention on the Rights of the Child and has noted the positive contributions that the Convention can provide for many aspects of children's wellbeing. However, the text of this Convention is a minimal basis for reaching an agreement, and therefore contains areas with which the parties are not completely satisfied (...) In order to avoid any further delay in this long process, and in view of the fact that the text adopted will help protect children's rights, the Holy See has approved the final text, although with reservations" (L'Osservatore Romano, weekly French-language edition, No. 20, 15 May 1990, p.4).

14. For that reason, the Holy See, in accordance with the provisions of article 51 of the Convention, submitted a declaration and three reservations when it acceded to the Convention.

15. The declaration reaffirms a position maintained by the Holy See throughout the drafting of the Convention i.e. that the Convention "represents an enactment of principles previously adopted by the United Nations and, once effective as a ratified instrument, will safeguard the rights of the child before as well as after birth, as expressly affirmed in the Declaration of the

Rights of the Child (General Assembly resolution 1386 (XIV) of 20 November 1959) and restated in the ninth preambular paragraph of the Convention" (ibid.). In addition, "the Holy See, in acceding to this Convention, does not intend to prescind in any way from its specific mission which is of a religious and moral character" (ibid).

16. The meaning of the Holy See's reservations to the Convention can easily be understood in the light of the foregoing:

(a) Reservation (a): "The Holy See, in conformity with the dispositions of article 51, [ratifies] the Convention on the Rights of the Child with the following reservations:

(a) that it interprets the phrase family planning, education and services in article 24 (2) to mean only those methods of family planning which it considers morally acceptable, that is, the natural methods of family planning". The position of the Holy See on "family planning, education and services" (art. 24 (2) (f)) is guided by the Catholic Church's conception of the transmission of human life, as explained in the Encyclical Humanae Vitae (1968) and the Apostolic Exhortation Familiaris Consortio (1981). The Church recommends responsible planning of family size, when parents take decisions relating to procreation for sound reasons and when they use natural methods of fertility regulation. It also would like this point of view to be transmitted through education, and it is opposed to contraception, sterilization and abortion;

(b) Reservation (b): "That it interprets the articles of the Convention in a way which safeguards the primary and inalienable rights of parents, in particular in so far as these rights concern education (arts. 13 and 28), religion (art. 14), association with others (art. 15) and privacy (art. 16)." It is obvious that children's rights must be protected in cases where it is proved that abuses have been committed within the family. However, under normal circumstances, the civilian authorities must not intervene, because of the "primary and inalienable rights of parents", in particular in all matters relating to education, religion, association with others and privacy:

(i) Some parents are concerned at the fact that articles 13 and 28 of the Convention, which deal with education, do not sufficiently protect parents' rights against State control, despite the clarifications contained in article 29 (2). More specifically, some parents wish to educate their children according to their own religion, in religious schools or at home;

(ii) Some parents have expressed concern at the implementation of articles 14, on religion, 15, on association with others and 16, on privacy. They might imply, in some cases, that children would have the right to make certain choices that might be against their own interests and the integrity of family life and values. In order for articles 14, 15 and 16 not to be used to enable children to join certain religious sects, to associate with corrupt individuals and to live a life of vice, they must be interpreted in the light of the rights/duties of parents and the family. This

interpretation is in conformity with that of the Human Rights Committee in its General Comment No. 22 (48) on article 18 of the International Covenant on Civil and Political Rights (CCPR/C/21/Rev.1/Add.4);

(iii) A serious study should be conducted of the problem of implementing specific articles of the Convention in certain social and political situations. It is true that some safeguards of the rights of parents and the family have been included in the Convention, but they need to be explained and clarified, in order to guarantee the rights and well-being of children without undermining the rights of their parents and the well-being of their families;

(c) Reservation (c) concerns the implementation of the Convention in the specific context of the Vatican City State: "That the application of the Convention be compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law (art. 1, Law of 7 June 1929, N. 11) and, in consideration of its limited extent, with its legislation in matters of citizenship, access and residence."

G. Statements by the Holy See in favour of the Convention

17. The Holy See has repeatedly made statements for the defence and promotion of the Convention on the Rights of the Child. Particular mention should be made of the following as the most specific positions taken:

(a) Message by Pope John Paul II on the occasion of the World Summit for Children, on 29 September 1990 (annex 3);

(b) Address by Pope John Paul II at the conclusion of the International Conference on the problems of the child, sponsored by the Pontifical Council for Pastoral Assistance to Health Care Workers, on 20 November 1993 (annex 4): the Pope made a solemn appeal for universal ratification of the Convention;

(c) Message of Pope John Paul II for the celebration of the World Day of Peace on 1 January 1994, "The Family Creates the Peace of the Human Family" (annex 5);

(d) Statement by H.E. Cardinal Agostino Casaroli, representative of the Holy See to the World Summit for Children, on 30 September 1990 (annex 6);

(e) Statement by H.E. Cardinal Alfonso Lopez Trujillo, President of the Pontifical Council for the Family, to the First World Congress on Family Law and Children's Rights, Sydney, 4 to 9 July 1993 (annex 7);

(f) H.E. Mgr. Renato Martino, Permanent Observer for the Holy See to the United Nations, has made several statements on the Convention, in particular at the meeting on the rights of the child organized by the Pontifical Council for the Family, in Rome, from 18 to 20 June 1992 (annex 8).

These statements indicate the importance the Church attaches to the promotion of the Convention for improving the observance of the rights it proclaims. They emphasize in particular the right to life and the role of the family.

II. ACTIVITY OF THE HOLY SEE ON BEHALF OF CHILDREN

18. The Church's activity on behalf of children has been a constant in the history of mankind. In adapting to the circumstances of each period, the Church has endeavoured to meet the religious, spiritual, moral, cultural and material needs of children. It is impossible to give an exhaustive account of these activities, they are carried out by persons desirous of imitating Jesus Christ's special predilection for children. The Holy See still today encourages and supports a very extensive network of institutions dedicated to the welfare of children.

A. Holy See and Church structures dealing with children

19. First, mention should be made of the Pope's personal actions during encounters, pastoral journeys, audiences, etc. In addition, the Pope habitually entrusts the coordination and direction of the Church's action on behalf of children to a number of bodies in the Holy See:

(a) Pontifical Council for the Family, under Cardinal Alfonso Lopez Trujillo, is responsible for dealing with all questions concerning children;

(b) Congregation for Catholic Education, under Cardinal Pio Laghi, is concerned with education issues;

(c) Pontifical Council for Lay Persons, under Cardinal Eduardo Pironio, deals with relations with the International Catholic Organizations (ICO), some of which are concerned exclusively with children;

(d) Pontifical Council for Pastoral Assistance to Health Care Workers, under Cardinal Fiorenzo Angelini, is devoted to health issues. The health of children is one of its main concerns, as may be seen from the theme selected for its Eighth annual Conference, held in November 1993: "The child and the future of society". The various aspects of children's problems were discussed: medical and paramedical problems, problems with regard to pastoral assistance and social and health problems, as well as their philosophical, anthropological, legal, moral and religious implications. Although the records have not yet been published, the list of statements and their speakers is available; they include eminent specialists, several Nobel Prizewinners and the Directors-General of WHO and UNICEF (annex 9).

20. Pontifical Missionary Society of the Holy Childhood, founded 150 years ago, is concerned with rallying Catholic children to come to the aid of poor children throughout the world, without distinction as to race, religion or sex. This international organization is unique in so far as it mobilizes children themselves to help other children. Millions of young Catholics thus become aware of the needs of their less fortunate brothers and sisters and also help them materially. In 1991, they were able with US$ 13,210,000 to

implement projects for the survival, protection and development of other children. The Pontifical Society was honoured by UNESCO in May 1993, on the occasion of International Literacy Day (annex 10).

21. Certain international Catholic organizations devote their efforts exclusively to the service of children:

(a) Particular mention may be made of the International Catholic Child Bureau (ICCCB) which has its headquarters at Geneva and is in consultative status with ECOSOC and UNICEF. As stated in its triennial report for 1990-1992 (annex 11), ICCB promotes a large number of initiatives (assistance, training, research and development and communications to help children, particularly the most deprived). It has embarked on a major consciousness-raising effort vis-à-vis, international and national bodies, in particular to promote the implementation of the Convention on the Rights of the Child;

(b) International Movement of Apostolate of Children (IMAC), which has its headquarters in Paris and is in consultative status with ECOSOC, UNICEF and ILO, was set up 30 years ago for the purpose of coordinating the numerous movements for the evangelization of children. Its aim is to support the training, human development and Christian faith of all children.

22. Various bodies within the structure of the Catholic Church are actively involved in meeting the needs of children:

(a) The Episcopal Conferences are grouped regionally, enabling them to coordinate some of their activities at continent level. They generally have a specialized children's branch, as is the case, for example, of the children's and young people's department of the Latin American Episcopal Council (CELAM), which recently launched a children's pastoral programme for Latin America (annex 12);

(b) The Episcopal Conferences, which coordinate the Church's action at country level, have children's departments and episcopal commissions which work with the evangelization and religious teaching, health assistance and education movements and with the organs of the Catholic children's press. These diversified activities at diocese and parish level involve thousands of professionals and volunteers. Particular mention should be made of the numerous religious congregations which specialize in a specific aspect of assistance to and promotion of children and young people - education, health, handicapped children, etc.

23. This activity on behalf of children by the Holy See and the Church is a contribution to the observance and implementation of the rights of the child as defined in the Convention. In order to illustrate this activity, this report will follow the guidelines adopted by the Committee on the Rights of the Child in document CRC/C/5.

B. Implementation of the Convention

General principles

24. In its teaching and in its action, the Church stresses the inherent dignity of the child, from which derive the absolute right to life, survival and development, non-discrimination and respect. These principles are clearly asserted in the pontifical documents already mentioned, and serve as guidelines for the programmes implemented by the Catholic organizations. It would be superfluous to mention the Holy See's action on behalf of life from the moment of conception. It may be noted that many children's movements have as their aim the overall development of the child including the religious, spiritual and moral dimensions, and the implementation of his rights; this may be illustrated by the guidelines which serve as a basis for the International Movement of Apostolate of Children (IMAC), namely, that (a) the child is an individual; (b) the child is capable of acting, transforming and evangelizing; (c) the Movement's teaching methods and methodology should be based on these capabilities inherent in children.

25. The method used by the Pontifical Missionary Society of the Holy Childhood is based on the conviction that children themselves should take part in their own development and manifest solidarity with their fellows.

The family

26. This report has already illustrated the importance given to the family by the Church and the link between the rights of the child and those of the family; this explains why its action is directed at the protection and promotion of the family and its values. This is particularly relevant in the preparation for marriage which young people receive. In addition, in order to palliate family shortcomings, the Church has set up a large number of institutions which provide children with the family environment they need for their development.

27. It should also be remembered that the civil rights and freedoms of children as set out in the Convention cannot be considered in isolation from the family. Cardinal Angelo Sodano, Secretary of State, recalled this in his message to the World Forum of Non-Governmental Organizations held in preparation for the International Year of the Family on the subject of "promoting the family for the well-being of individuals and society" (Valetta, Malta, 28 November - 2 December 1993, annex 13).

Health and welfare

28. It is impossible to depict the scope of the Church's activities on behalf of children's health, which are conducted largely through a network of 21,757 health institutions, mainly in developing countries, as a contribution to State efforts in this area. The Church provides special care for children and mothers in 5,000 hospitals and 14,000 clinics.

29. At the Seventh International Conference of the Pontifical Council for Pastoral Assistance to Health Care Workers, on the theme of disabled persons

in society, Cardinal Edouard Gagnon gave a very well documented lecture on the role and presence of the Church in relation to the family and the handicapped child (annex 14): a great many institutions devote themselves to physically and mentally handicapped children.

30. Various initiatives have been taken in recent years by the Holy See, either directly or in cooperation with Catholic agencies, to assist child, victims of the Chernobyl nuclear accident. Several hundred were admitted to the Holy See's hospitals in Italy and, on the initiative of Catholic charitable organizations, several thousand more were taken in by families in Eurcpe.

31. The care of children who are victims of AIDs has become a priority in numerous Catholic hospitals. For example, the Nsambya Hospital in Kampala, Uganda, has launched a large-scale medical research project for mothers and children infected with the HIV virus. This project is financed by contributions from North America, through the "Path to Peace Foundation".

Education

32. The whole of the Church's action can be said to be directed at the education of the child as a person, in all his dimensions. The Church considers that its own work of religious training is an essential contribution to the proper education of children. The intention of the Church institutions (schools, bible teaching centres, various movements, marriage preparation centres, etc.,) is to provide an education adapted to the real needs of the child at the various stages of his physical, intellectual and moral development, by endeavouring to apply appropriate educational methods which will, in particular, develop the child's sense of responsibility.

33. Education is primarily a family responsibility, for which the Church provides support and assistance.

34. There are numerous training centres and 160,898 Catholic schools, attended, on 1 January 1991, by 40,975,865 pupils (see the detailed statistics in annex 15). These institutions are the responsibility of the Bishops and are often run by religious congregations.

35. The male and female religious congregations which devote themselves first and foremost to education are very numerous. The best known are the Selesian brothers and sisters, the Jesuits, the Marian Brothers etc. There are, for example, the Brothers of the Christian Schools, who were received by the Pope on 14 May 1993 on the occasion of their general Chapter: 7,800 brothers, members of this Congregation, are at the service of 850,000 young people in 82 countries. They received the Noma prize, awarded by UNESCO in 1990, on the occasion of International Literacy Day (see Bulletin de l'Institut des Fréres des Ecoles Chrétiennes, June 1991, on literacy, and April 1993, on the Brothers of the Christian Schools in Africa, in annex 16).

36. The Church also makes considerable efforts in informal education and training, in the context of the parish and children's and young people's

movements, particularly through recreational and cultural activities. In addition, some 10,000 centres specializing in the education or re-education of children operate under the auspices of the Church.

Special measures to protect children

37. The Holy See, the Bishops and the Catholic organizations have been mobilized with regard to particularly serious and alarming situations concerning children:

38. Sexually-exploited children. In a statement to the Executive Council of the World Tourism Organization, Pope John Paul II said that he wished to reiterate the words of some Asian bishops who had expressed their horror at the degrading practices of sex tourism. Young people, both boys and girls, were lured into that industry, in which they were treated as mere objects. Like his audience he could hear the voices of thousands of children who had been abused and robbed of their physical and moral dignity asking for the protection due to them under international agreements and demanded by the conscience of mankind.

39. The Pontifical Council for the Family organized a meeting of experts on child prostitution, in Bangkok, from 9 to 11 September 1992. This was an occasion for taking stock of the question of the sexual exploitation of minors, particularly in Asia and Latin America, and the many initiatives which the churches in those countries had taken to help them. In particular, there was the participation of the Church in the international campaign against sex tourism, led by ECPAT (End Child Prostitution in Asian Tourism). ICCB, in collaboration with Caritas Internationalis, has also set up a world programme on the sexual exploitation of children ("Children at risk, Child victims of sexual exploitation and children with AIDS", in annex 17).

40. Street children. Many initiatives have also been taken by local churches with the encouragement of the Holy See and the support of international Catholic organizations, such as the ICCB or Caritas Internationalis, to help street children. In its volume on "Street children, Problems or Persons?", published by ICCB in 1992, the author has put together a very wide-ranging experience of more than 10 years with street children (annex 18). Examples of the many local experiences of assistance to street children are those of Father François Lefort in Mauritania; the Undugu Society of Kenya founded in 1973, by Father Arnold Grol; the work undertaken since 1972 by the Adorers of the Blood of Christ in Colombia in response to the challenge represented by the marginalization of young girls in their country; the Fountain of Life Centre at Pattaya (Thailand), inaugurated in 1988 by the Sisters of the Good Shepherd, to support sexually exploited children in their transition towards another lifestyle; and the "Nanban" Centre, set up at Madurai, in southern India, by the Brothers of the Congregation of Saint John the Baptist for street children and working children. The "Le Nid" Movement operates assistance teams as part of the ICAR Project (Intervention Contact auprès des Adolescents de la Rue) (annex 19).

41. Children forced to work. The international meeting on the family and child labour, organized in Manila (Philippines) from 1 to 4 July 1993 by the Pontifical Council for the Family examined the labour situation of children

and the Church's response in various parts of the world (annex 20). Father Pierre Tritz, S.J., founded the Educational Research and Development Assistance (ERDA) Foundation in Manila in 1974, in order to help school rejects obtain vocational training (annex 21).

42. The Church also provides special care to children who are drug addicts, prisoners or refugees.

43. Children and war. The Holy See and the local churches are particularly concerned by the situation of children who are the first victims of armed conflicts, children who are mutilated, displaced or refugees, orphans and children used as soldiers. This subject was brought up by the Pope and the Bishops in the context of the conflicts in the former Yugoslavia and in several African countries (Liberia). Initiatives taken on behalf of such children include orphanages and special schools for the reintegration of child soldiers. At the International Conference on Children on 18 November 1993, Cardinal Roger Etchegaray, President of the Pontifical Council "Cor Unum" and the Pontifical Council for Justice and Peace, gave moving accounts of what he had seen during his missions throughout the world. With reference to children forcibly enrolled in armies in conflict, he said that, according to the principles contained in article 38 of the United Nations Convention on the Rights of the Child, children who had not attained the age of 15 years could not take a direct part in hostilities; that was a particularly odious form of servitude. Such children were often subjected to cruel treatment or savage rites intended to harden them for fighting. He had in mind a country which did not hesitate to make use of children by dispatching them into mine fields in order to clear a path for the soldiers who were to follow them (annex 22).

III. ACTIVITIES OF THE PONTIFICAL COUNCIL FOR THE FAMILY FOR THE PROTECTION OF THE RIGHTS OF THE CHILD

44. In view of the fact that the Holy See considers that the rights of the child are inseparable from the rights of the family, it is the Pontifical Council for the Family which is most directly concerned with the question of the implementation of the Convention on the Rights of the Child. The President of the Council, His Eminence, Cardinal Alfonso Lopez Trujillo, has therefore organized five international expert meetings since 1991 to deal with special problems relating to respect for the rights of the child.

A. Meeting on the rights of the child (Rome, 18-20 June 1992)

45. The meeting was chaired by Cardinal Lopez Trujillo, who after reading out a message from Pope John Paul II (annex 23), recalled the importance of the solidity of the family for the protection of children; the work of the meeting covered six topics each presented by a different speaker: the central position of children in the Church's social doctrine; the action of the International Catholic Child Bureau in the present international context; the history of the rights of the child since antiquity and the role of the Church; legal aspects of the rights of the child in Europe and the specific problems encountered by the Christian view vis-à-vis modern positive law on the subject of the definition of the child, particularly in relation to the affirmation of the right to life from the moment of conception and the definition of the family; evangelization and children; the inception of the Convention on the

Rights of the Child and the contribution of the Holy See (His Eminence, Monsignor Renato Martino); the situation of children in Brazil and Austria.

46. The records of this meeting will be published and sent to the national conferences of bishops and to agencies involved in the protection of children and the promotion of their rights.

B. International meeting on the sexual exploitation of children through prostitution and pornography (Bangkok, 9-11 September 1992)

47. A large number of organizations concerned with these problems took part: Pontifical Council for the Pastoral Care of Migrants and Itinerant People, Pontifical Missionary Society of the Holy Childhood, UNICEF, United Nations (ESCAP), ECPAT, RAAP (Religious Alliance against Pornography), Caritas project (Toronto), PROVIVE (Venezuela), PROVIDA (Mexico), and representatives of Germany, India, Indonesia, the Philippines, Singapore, Spain, Thailand, etc.

48. Under the chairmanship of Cardinal Lopez Trujillo, the speakers described the situation in the various countries, initiatives to combat the phenomenon, pastoral action already carried out and what could still be achieved. His Eminence, Mgr. Renato Martino, spoke about the prostitution of children in the context of the Convention on the Rights of the Child.

49. A number of problems occupied the attention of participants: sex tourism, which degrades the tourist industry and constitutes exploitation of third world children by the developed countries; organizations of paedophiles: in order to comply with article 34 of the Convention, the age of consent should be established in accordance with the definition of the child in article 1 and measures should be taken to prevent corrupt persons from misusing the provisions of articles 15 and 16 concerning children's right to freedom of association and privacy; child pornography: the Pontifical Council for the Family is working on the question with the ecumenical association RAAP; the effects of pornography on children: the corruption of children ranges from pornography to abuse of the mass media, particularly by means of films containing scenes of explicit sex and violence, thus violating article 34 of the Convention.

50. A Final Declaration was adopted for general distribution. After defining the nature and characteristics of this "contemporary form of slavery", it sets out a number of guidelines for those who wish to combat this evil and concludes by saying: "The sexual exploitation of children is a grave crime against the truth of the human person. Each person is the image of God, the child of God. Each life is a precious gift of God. In each face shines the great dignity of the human person. Children, who are the most vulnerable members of society, must be guaranteed enjoyment of all the rights which appertain to human persons. They must be loved, protected and respected in a special way. Every abuse against their dignity is a crime against humanity and against the future of the human family. The children of the world trapped in prostitution, pornography and sexual exploitation cry for help. The Lord calls His people to action. Deliberating, resolving and acting together, we pledge to respond" (annex 24).

C. International meeting on the family and child labour (Manila, 1-4 July 1993)

51. Experts and members of national organizations concerned with this specific problem took part, including representatives of UNICEF, ILO, ICCB, IMAC, and World Movement of Christian Workers (WMCW).

52. Under the chairmanship of Cardinal Lopez Trujillo, the discussions began with statements on child labour in the context of the world economic situation, on child labour and social legislation, and on ILO's work to abolish child labour, and with reports on child labour in each continent.

53. A Final Declaration was adopted; following a description of the situation, it proposed courses of action for the gradual reduction of child labour. The declaration called on States and international organizations to liberate children from this injustice, emphasizing that the problem would not be solved until it was confronted within the family itself, which must be given adequate means to live on (annex 25).

D. Meeting of experts on drug abuse as it affects children (Rome, 20-22 June 1991)

54. Under the chairmanship of Cardinal Lopez Trujillo, experts and representatives of Catholic organizations involved in the work of drug rehabilitation considered the phenomenon of drug abuse and its consequences for the individual, the family and society.

55. The participants were of the opinion that the roots of the problem had to do with the rights and wellbeing of children. The main cause of drug abuse was to be found in the shortcomings of family upbringing, which prevented children from attaining a degree of maturity enabling them to come to terms with themselves, with God, with those around them and with their environment.

56. The conclusions of the work of the meeting and guidelines to help to solve the problem have been compiled by the Pontifical Council for the Family in the volume From Despair to Hope: Family and Drug Addiction (annex 26).

E. Meeting on natural methods of regulating fertility (Rome, 9-11 December 1992)

57. The wellbeing of children was one of the basic topics of this meeting which studied the latest developments in the natural methods of regulating fertility. WHO was represented by Doctor Earle Wilson (Task Force on Methods for the Natural Regulation of Fertility, Special Programme of Research, Development and Research Training in Human Reproduction).

58. In the Final Declaration, the participants asserted that "the natural methods promote a positive attitude to the child and maintain reverence for human life at all stages of development" (annex 27).

59. A number of questions affecting the well-being of children were discussed in the course of the meeting:

(a) Health and human rights: Participants asserted that "The health of mothers and infants is furthered through spacing childbirth in a natural way which harms neither the mother nor her baby". They observed that certain contraceptive methods and substances might harm the child by damaging the health of the mother or even endangering her life. Adolescents were also in danger and their rights were violated when contraceptives were supplied to them without consent and without information as to their true effects and side effects;

(b) Breast-feeding: Participants supported breast-feeding for the good of the family, the child and the mother and as a way of spacing childbirths and encouraged public policy which would enable mothers to breast-feed their children. The experts stressed the nutritional value of breast-feeding, in accordance with article 24.2 (e) of the Convention;

(c) Moral problems: Children might suffer when their morality and that of their family were affected by an attitude with regard to contraceptives and methods which might lead to promiscuity and sexual exploitation, which in turn contributed to the higher incidence of sexually-transmitted diseases and teenage pregnancies. Respect for the moral dimension was an essential aspect of the best interests of the child (art. 3) and the child's welfare (art. 36);

(d) Family planning clinics: Clinics, particularly when located near places where children worked or studied, represented a serious obstacle to the protection of the rights of children (and their parents) since they indiscriminately promoted contraception and provided access to abortion;

(e) Sex education unlinked to the teaching of values: Without the transmission of values, sex education was liable to lead children to premature and irresponsible sexual activity. In addition, this form of sexual information violated the rights of parents. Pope John Paul II expressed concern on this issue in the Apostolic Exhortation Familiaris Consortio (N. 37).

IV. CONCLUSION

60. In his message to the World Summit on Children on 22 September 1990, Pope John Paul II said: "The Holy See's prompt accession to the Convention on the Rights of the Child ... accords with the Catholic Church's bi-millenary tradition of service to those in material or spiritual need, especially the weaker members of the human family, among whom children have always received special attention. In the Child of Bethlehem, Christians contemplate the uniqueness, the dignity and the need for love of every child. In the example and teaching of her Founder, the Church perceives a mandate to devote special care to the needs of children; indeed, in the Christian view, our treatment of children becomes a measure of our fidelity to the Lord himself."

61. This is why the Church's dearest wish is to create an environment to promote the integral development of children and the observance of their rights so that their psycho-social, cultural, moral, spiritual and religious needs will be taken into account along with their intellectual and physical needs. An even deeper aspiration of the Church is that the child himself should be considered and loved for what he is, in accordance with his inherent dignity, which makes him the subject of these rights.

LIST OF ANNEXED DOCUMENTS

- Annex 1: Apostolic exhortation "Familiaris consortio", 22 November 1981.

- Annex 2: Charter of the Rights of the Family, 22 October 1983.

- Annex 3: Message from Pope John Paul II to the World Summit for Children, 29 September 1990 to the World Summit for Children, 29 September 1990 (L'Osservatore Romano, in French edition, N. 41, 9 October 1990).

- Annex 4: Address by Pope John Paul II to the Eighth International Conference on the Problems of the Child, organized by the Pontifical Council for Pastoral Assistance to Health Care Workers, 20 November 1993 (L'Osservatore Romano, in French, N. 48, 30 November 1993).

- Annex 5: Message from Pope John Paul II in celebration of the World Day of Peace, 1 January 1994, "The Family Creates the Peace of the Human Family."

- Annex 6: Statement by H.E. Cardinal Agostino Casaroli, Secretary of State, representative of the Holy See to the World Summit for Children, 30 September 1990 (L'Osservatore Romano, in French, N. 41, 9 October 1990).

- Annex 7: Statement by H.E. Cardinal Alfonso Lopez Trujillo, President of the Pontifical Council for the Family, to The First World Congress on Family Law and Children's Rights, Sydney, 4-9 July 1993 (L'Osservatore Romano, in French, N. 30, 27 July 1993).

- Annex 8: Statement by H.E. Mgr. Renato Martino, Permanent Observer of the Holy See to the United Nations, on the Convention on the Rights of the Child at the Meeting on the Rights of the Child, organized by the Pontifical Council for the Family, Rome, 18-20 June 1992.

- Annex 9: Programme of the Eighth International Conference, "Puer natus est nobis, The Child is the Future of Society", organized by the Pontifical Council for Pastoral Assistance to Health Care Workers, 18-20 November 1993.

- Annex 10: Pontifical Missionary Society of the Holy Childhood: "L'Enfance Missionaire, une organisation au service de l'alphabétisation des enfants du monde depuis 150 ans", Presentation to UNESCO, 1993.

- Annex 11: Rapport trisannuel 1990-1991-1992 of the International Catholic Child Bureau.

- Annex 12: "Pastoral de la Infancia", Latin American Episcopal Council, CELAM, Bogotá, February 1993.

- Annex 13: Message from H.E. Cardinal Angelo Sodano, Secretary of State, to the World Forum of NGOs held in preparation for the International Year of the Family on the theme "Promoting the family for the well-being of the Individual and Society", Valetta, Malta, 28 November-2 December 1993 (L'Osservatore Romano, 2 December 1993).

- Annex 14: Statement by H.E. Cardinal Edouard Gagnon to the Seventh International Conference organized in November 1992 by the Pontifical Council for Pastoral Assistance to Health Care Workers, "Présence et rôle de l'Eglise auprès de la famille de l'enfant handicapé" ("Dolentium Hominum", N. 22, Année VIII, 1993, n. 1, pp. 136-139).

- Annex 15: Some statistics on Catholic schools throughout the world.

- Annex 16: "Alphabétisation et promotion de la culture", "Les Frères des Ecoles Chrétiennes en Afrique", Bulletin de l'Institut des Frères des Ecoles Chrétiennes, N. 234, June 1991 and N. 238, April 1993.

- Annex 17: "Children at Risk - Children Victims of Sexual Exploitation and children with AIDS", Report of a Think Tank organized by the International Catholic Child Bureau and Caritas Internationalis, Bangkok, 21-23 November 1992.

- Annex 18: Stefan Vanistendael, "Street children: Problems or Persons?", ICCB Series, Geneva, 1992.

- Annex 19: Eyewitness accounts of experiences of assisting street children and child victims of prostitution in "Children Worldwide," ICCB, Vol. 19, n. 2/1992.

- Annex 20: International meeting on the family and child labour, organized from 1-4 July 1993, in Manila, by the Pontifical Council for the Family; statements on "Children and Work in Colombia", "Family and Child Labour in Mexico", "The Family and Child Labour in Peru", "Children's Work in Africa", "Child Labour in India", "The Family and Child Labour in the Philippines", "Family and Child Labour in Thailand".

- Annex 21: Fr Pierre Tritz, S.J., "ERDA: a new hope for the underprivileged children", and Report for the Pilot Project on "Child Scavengers in Metro Manila" (International meeting on the family and child labour, Manila, 1-4 July 1993).

- Annex 22: Statement by H.E. Cardinal Roger Etchegaray, President of the Pontifical Council for Justice and Peace, at the International conference on children, 18 November 1993: "Children, culture of peace and culture of war".

- Annex 23: Message from Pope John Paul II to H.E. Cardinal Alfonso Lopez Trujillo, President of the Pontifical Council for the Family, on the occasion of the Meeting on the rights of the Child, Rome, 18-20 June 1992.

- Annex 24: Final declaration of the International Summit on the Sexual Exploitation of Children Through Prostitution and Pornography, Bangkok, 9-11 September 1992.

- Annex 25: Final declaration of the international meeting on the family and child labour, Manila, 1-4 July 1993.

- Annex 26: Pontifical Council for the Family, "From Despair to Hope: Family and Drug Addiction", Libreria Editrice Vaticana, 00120 Città del Vaticano.

- Annex 27: Final Declaration of the summit meeting on natural methods of regulating fertility, Rome, 9-11 December 1992.